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Attorney Docket # 5367-191PUS

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Peter STAUSS et al.

Serial No.: 10/544,159

Filed:

For: Thin-Film Semiconductor Component and Production Method for said Component

Examiner: WEISS, Howard
Group Art: 2814

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March 13, 2008
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Thomas Langer
Name of applicant, assignee or Registered Representative

Signature

March 13, 2008
Date of Signature

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

This paper is submitted in response to the Office Action of February 13, 2008 in which the Examiner requires restriction to one of two groups of claims.

Applicants elect claims 1 - 12, 20 and 21 of Group 1, with traverse.

Applicant submits that since is a National Stage application based on an International Application and was filed under 35 U.S.C. §371, unity of invention (not restriction) practice is applicable in this case. See MPEP §1893.03(d). Applicant accordingly traverses the improper election requirement set forth in the Office Action.

Applicant believes that claims 1 to 23 currently pending in the instant application meet the requirements for unity of invention under 37 CFR §1.475. Supporting this belief is the lack of any objection to the claims with respect to the requirements for unity of invention, under PCT Rules 13.1 and 13.2, in the examination of the International Application.

Moreover, the Examiner has failed to explain how the various claims pending in the instant application lack unity of invention, as he is *required* to do. As discussed in MPEP §1893.03(d),

> "When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no *single general inventive concept*) specifically describing the unique special technical feature in each group." [Emphasis supplied]

Thus, applicants contend that the Examiner has, at the very least, failed to make a *prima facie* showing that applicants should be required to select for prosecution less than all of the claims now pending in the application. Such a detailed explanation, as enumerated in the MPEP section quoted above, is requested if the Examiner continues to require that applicant select less than all of the pending claims for prosecution in the instant application.

Moreover, it is respectfully submitted that the claimed subject matter has unity of invention because the subject matter of the independent claims is linked by a special technical feature, as required by the PCT Rules. This special technical feature is the arrangement of a thin film semiconductor body on a carrier containing Germanium. Moreover, it should be noted that the ISA, which applies PCT Rules, has already considered the claimed subject matter as having unity of invention.

In view of the foregoing, applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement set forth in the Office Action of February 13, 2008, and examine all of the pending claims together in the present application.

Early and favorable consideration in accordance with the foregoing is once more requested.

In the event that any fees or charges are required in connection with this application, such fees may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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